

REMARKS

In the Advisory Action mailed April 29, 2004, the Examiner indicated that claims 14 to 47 were allowable, but maintained the rejection under §112, first paragraph, of claims 1 to 5 and 10 to 13. Applicants have amended claims 1 and 10 in an effort to respond to the Examiner's concerns. Applicant submits that the amendment does not materially alter the scope of the amended claims, in view of the disclosure which provides adequate guidance to a person of skill as to meaning of the term "Apo-2" as it was used in the claims. As such, Applicant submits that the amendments to claims 1 and 10 do not represent a surrender of subject matter. Applicant accordingly requests withdrawal of the rejection of claims 1 to 5 and 10 to 13, in view of the amendments made herein to claims 1 and 10. Applicant also request favorable consideration of new dependent claims 48 to 53, which depend from newly amended claims 1 and 10, and are necessitated by the above-noted amendment to claims 1 and 10.

In light of the foregoing amendments and remarks, Applicant respectfully requests that the Office issue all pending claims of present application. If the Examiner is not prepared to pass this application to issue, Applicant respectfully requests that the Examiner or her supervisor contact the undersigned prior to taking any further action in this application.

Respectfully submitted,
for GENENTECH, INC.



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